



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh Field Office

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Raleigh, North Carolina 27636-3726

June 2, 2003

Mr. G. W. Radford
Environmental Affairs Officer
Marine Corps Air Station
PSC Box 8003
Cherry Point, North Carolina 28533-0003

Dear Mr. Radford:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of March 25, 2003 regarding the proposed designation of two independent Military Operations Areas (MOAs) in coastal North Carolina. These MOAs would provide special use airspace in support of tactical, military aircraft training. Their purpose is to provide a more realistic training environment for U. S. Navy and Marine Corps aviators. Our comments are provided in accordance with section 7(a)(2) of the Endangered Species Act (Act) of 1973, as amended (16 USC 1531 *et seq.*).

Your March 25, 2003 letter seeks the Service's concurrence on the Marine Corps' determination of effects on federally-listed species regarding proposed operations in the Core MOA and the Mattamuskeet MOA. The locations for these MOAs are described in the Marine Corps' Environmental Assessment for the Proposed Military Operations Areas in Eastern North Carolina, dated June 2002 (EA). Electronic mail, forwarded by Ms. Robin Ferguson of your staff, provided updated information supplementing the June 2002 EA regarding federally-listed species.

Based on the information contained in the EA, your letter states that the proposed operations within the Core and Mattamuskeet MOAs (the proposed action) will have no effect on the West Indian manatee (*Trichechus manatus*), loggerhead turtle (*Caretta caretta*), green turtle (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), hawksbill turtle (*Eretmochelys imbricata*), red wolf (*Canis rufus*), eastern cougar (*Felis concolor cougar*), American alligator (*Alligator mississippiensis*), Short-nosed sturgeon (*Acipenser brevirostrum*), red-cockaded woodpecker (*Picoides borealis*; RCW) or Rafinesque's big-eared bat (*Plectocus rafinesqueii*). Your letter also contains the Marine Corps' biological conclusion that the proposed action is not likely to adversely affect the piping plover (*Charadrius melodus*) or the roseate tern (*Sterna dougallii*).

According to the summary information contained in the EA revision, the roseate tern is an occasional visitor to North Carolina's Outer banks and is considered by the North Carolina Natural Heritage Program as "...an accidental or casual species to the state." Potter et al. (1980, pg. 178) make reference to one roseate tern nest documented near Core Banks in 1973. This is

the only known nest in Carteret County, to date. The likelihood that the proposed establishment and use of the Core MOA will impact the roseate tern appears remote.

The Core MOA contains critical habitat for wintering piping plovers. This critical habitat is comprised of intertidal beaches, dunes and flats between the annual low and annual high tide marks as well as associated dunes and flats above the annual high tide line. The proposed action does not involve any disturbance to critical habitat for piping plovers and the Marine Corps does not anticipate any effects on critical habitat.

While there is little information that specifically addresses potential impacts of the proposed action on piping plovers, the EA references observations made on snowy plovers (*Charadrius alexandrinus nivosus*) and their reaction to rocket launches on Vandenberg Air Force Base, California. In the research cited in the EA, Snowy plovers appeared to have a minor instantaneous reaction to man-caused disturbances. However, no changes were detected in snowy plovers' use of wintering habitat and nesting areas or in nesting success. According to the EA, effects of the proposed action are expected to be more brief and less intense than the disturbance-causing activities monitored at Vandenberg.

The Marine Corps expects that of the two proposed MOAs, the one with the greatest potential for affecting shorebirds, including the piping plover, is the Core MOA. According to the information provided by Ms. Ferguson, effects of the proposed use of the Core MOA on piping plovers would be limited due to the operational characteristics of this unit. The Marine Corps anticipates five or six sorties per day to pass through the Core MOA. Of these, two passes might be within the lowest altitude category (3,000 to 5,000 feet).

No specific route would be assigned across the Core MOA and aircraft might pass over Core Banks anywhere within the 35 nautical mile - long MOA. It is unlikely that aircraft flying through the MOA at the lowest altitude will pass over the same point on the earth twice in one day. The loudest sound will be experienced only on the landmass directly beneath the passing airplane. The farther away a given point on the ground is from the flight path, the lower the intensity of the sound at that point.

Tactical air traffic would be passing perpendicularly across Core Banks. The time an F/A-18 C/D or similar aircraft would require to pass through the Core MOA is less than one minute. Therefore, Core Banks might receive maximum sound exposure levels of approximately 96 decibels for a period of between one and two minutes per day. It appears that the potential for the effects of this moderately loud sound intensity on shorebirds, including the piping plover and roseate tern, will be offset by the low flight frequency and randomness of flights within the Core MOA.

Based on the information provided in your March 25, 2002 letter and information provided by Ms. Robin Ferguson, the Service concurs with the determination that the proposed designation of the Core and Mattamuskeet Military Operations Areas in coastal North Carolina is not likely

to adversely affect the piping plover, roseate tern, or any other federally listed species, their formally designated critical habitat, or species currently proposed for federal listing under the Endangered Species Act, as amended. For species under the jurisdiction of the Service, we believe that the requirements of section 7(a)(2) of the Act have been satisfied. We remind you that obligations under section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review; or, (3) a new species is listed or critical habitat determined that may be affected by the identified action.

If you have any questions regarding this matter, please contact Mr. John Hammond at (919) 856-4520 (Ext. 28). Thank you for your continued cooperation with our agency.

Sincerely,

A handwritten signature in cursive script, reading "Garland B. Pardue".

Garland B. Pardue, Ph.D.
Ecological Services Supervisor

Literature Cited:

Potter, Eloise F., James F. Parnell, and Robert P. Teulings. Birds of the Carolinas. The University of North Carolina Press, Chapel Hill. Chapel Hill, North Carolina. pp. 1 - 408.